

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State - Komuram Bheem Asifabad District – Issue of Agency Area Local ST Certificates under G.O. Ms.No.24 of dated 12.6.2018 of TW (LTR.1) Department – Claim for issue of Local Scheduled Tribe Certificate was not considered by the Collector & District Magistrate, Komuram Bheem Asifabad District vide Rc.No.C2/485/2021, dated: 03.09.2021 - Appeal filed by Smt. Rathod Ashwini D/o Prakash R/o Nandunaik Thanda, Ashepally Village of Jainoor Mandal, Komuram Bheem Asifabad District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 7

Dated: 05-02-2022
Read the following:-

1. G.O. Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Proc.No.C2/485/2021, dt. 03.09.2021 of the Collector & District Magistrate, Komuram Bheem Asifabad District.
3. Appeal petition filed by Smt. Rathod Ashwini D/o Prakash R/o Nandunaik Thanda, Ashepally Village of Jainoor Mandal, Komuram Bheem Asifabad District Dt.16.09.2021 through the Endt.No.2210/M (STW, W&CW) Dated : 18.09.2021.
4. Govt.Memo No.1162/TW.LTR/2021, dt.23.09.2021.
5. Govt.Notice.No.1162/TW.LTR/2021, dt.23.09.2021.
6. Written submissions made by the Appellant Smt. Rathod Ashwini on 25.09.2021

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Komuram Bheem Asifabad, vide his orders in the reference 2nd read above, has issued orders concluding that Smt Rathod Ashwini D/o Prakash R/o Nandu Naik Thanda H/o Ashepally village of Jainoor Mandal of Kumram Bheem Asifabad for issue of Local ST Certificate cannot be considered as genuine under the provisions of G.O. Ms.No.24, TW (LTR.1) Department, dt.12.06.2018 and hence her claim for issue of Local ST Certificate is not considered.

3. Aggrieved by the above orders of the District Collector, KB Asifabad, the Appellant Smt. Rathod Ashwini D/o Prakash has submitted representation dt. 16.9.2021 in the reference 2nd read above, along with the certain documents praying for issue of Certificate as per G.O. Ms.No.24. The said representation has been taken as an Appeal under G.O. Ms.No.24, dt.12.6.2018 and hearing taken up on 25.9.2021.

4. Vide reference 4th read above, the Collector & District Magistrate, Komuram Bheem Asifabad has been requested to submit connected documents pertaining to the case along with para-wise remarks.

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5. Vide reference 5th read above, a Notice has been sent to the Appellant to attend for hearing on 25.9.2021 at 2.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 25.9.2021.

6. During the hearing on 25.9.2021, in the reference 6th read above, the Appellant has submitted further Written Submissions along with the following documents in support of her claim that she belongs to the category of Agency Area Local Schedule Tribe.

- i) She belongs to Lambada ST community and belong to the category of Agency Area Local ST of Ashepally village in Jainoor Mandal of the present Kumrum Bheem Asifabad District (erstwhile District) from before 1950 as her forefathers have been continuously living in the agency area i.e. Ashepalli village of Jainoor Mandal.
- ii) She has been provisionally selected for the post of Secondary Grade Teacher (Telugu) in the General Recruitment of TSPSC vide Notification No.53/2017 with Hall Ticket No.1753114558 under Agency Area Local ST candidature and her case is due for appointment for want of updation of Agency Area Certificate.
- iii) She has applied on 6.2.2020 to the Tahsildar, Jainoor for issue of Agency Area Local ST candidate certificate and the same is pending.
- iv) She has approached the Hon'ble High Court for the State of Telangana at Hyderabad by way of filing Writ Petition No.13379 of 2021 as the authorities concerned are not issuing the Certificate. The Hon'ble High Court in its order dated 17.6.2021 while disposing the said Writ Petition made the following order:

"This court, having considered the submission made by learned counsel for both the parties, is of the considered view that the Writ Petition can be disposed of directing respondent No.3 to consider the representation submitted by the petitioner on 06.02.2020 and pass appropriate orders in accordance with law as early as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed."

- v) In compliance to the above orders of the Hon'ble High Court, the District Collector, Kumuram Bheem Asifabad District has issued following orders in Proc.No.C2/8/2021, dt.03.09.2021:
 - As per directions of the Hon'ble High Court, enquiry has been conducted on 22.7.2021 and 28.7.2021 and issued Notices to the applicant to attend the enquiry along with records for proof of her continuous residence in agency area from 26.01.1950 to till date. Applicant Rathod Ashwini D/o. Prakash has submitted following documents during hearing before the District Level Committee on 28.7.2021:

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- Family Tree Notarized – Rathod Harisingh S/o Bhasu (applicant is saying that Rathod Harsingh is her forefather who had one son namely Rathod Koudiya S/o Harsingh).

Rathod Koudiya S/o Harsingh (applicant is saying that Rathod Koudiya is her grandfather who had five sons namely 1) Rathod Gunavanthrao 2) Rathod Prakash (father of applicant) 3) Rathod Govind 4) Rathod Ravinder 5) Rathod Arvind.

Rathod Prakash (father of applicant) has five daughters one son namely 1) Rathod Ashwini (daughter and applicant herein) 2) Rathod Swathi (daughter) 4) Rathod Preethi (daughter) 4) Rathod Jyothi (daughter) 5) Rathod Ganeshwari (daughter) 6) Rathod Karthik (son).

- Electoral roll for the year 1959 - Asifabad Assembly Constituency - Mankapur village – Block No. not visible, Polling Station No. not visible, Sl.No.145 H.No.100/29 – enlisted at Sl.No.145 name of Koudiya S/o Harsingh (applicant is saying that Sl.No.145 is her grandfather).
- Pahani 1963-64, 1969-70 – Ashepalli village of Jainoor Mandal – Sy.No. and extent not visible – applicant is saying that Koudiya S/o Harsingh is her grandfather).
- Voter list for the year 1971 – Boath Assembly Constituency – Applicant is saying that voter enlisted at Sl.No.567 i.e. Koudiya S/o Harsingh is her grandfather.
- Voter list for the year 1977 – Khanapur Assembly Constituency – Voter list of Ashepalli village – applicant is saying that voter enlisted at Sl.No.567 i.e. Koudiya S/o Harsingh is her grandfather.
- Pahani 1981-82 – Ashepalli village of Jainoor Mandal. Sy.No. and extent not visible – Name of Koudiya S/o Harsingh recorded in it is said to be her grandfather.
- Pahani 1990-91 – Ashepali village of Jainoor Mandal – Sy.No.91/416 – extent 3.20 – applicant is saying that whose name is recorded i.e. Koudiya S/o Harsingh as pattedar is her grandfather.
Voter list for 2000 – Ashepalli Gram Panchayat Voter enlisted i.e. Koudiya S/o Harsingh at Sl.No.299 in Block No.1 of Polling Station No.31 & 32 is her grandfather.
- Pahani 2000-01, 2009-10 – Ashepalli village – Sy.No.91/416 – extent 3.22 (applicant is saying that Koudiya S/o Harsingh patedar is her grandfather).
- Applicant has stated that she had applied for issue of Local ST certificate before the Tahsildar, Jainoor, but during the enquiry, the Tahsildar, Jainoor has stated that the applicant has not submitted proper records from 26.01.1950, hence, he could not issue the Local ST certificate for the petitioner.

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- As per G.O. Ms.No.3, dt.10.01.2000, the Local ST candidate means the candidate belongs to the ST notified as such under Article 342 of the Constitution of India and the candidate themselves or their parents have been continuously residing in the scheduled areas of the district in which they are residents till to date since the 26th January, 1950.
- But, the applicant has submitted the records from 1959 i.e. 1959 voters list, 1971 voter list, 1963-64 Pahani, 1969-70 Pahani, 1981-82 Pahani, 1990-91 Pahani, 2000-01 Pahani and 2009-10 pahani. Further, on perusal of records, there is no continuous link between the records submitted by her. On perusal of Pahani for the year 1990-91 in Sy.No.91/416, the name of Koudu recorded as pattedar and cultivator, whereas on perusal of pahanies from the year 1963-64 to 1981-82 the Sy.No.91/416 the land records are not matching.
- Even though on verification of documents produced by the applicant, it is noticed that Smt.Rathod Ashwini D/o Rathod Prakash R/o Ashepalli, Nandu Naik Thanda, Jainoor (M) has failed to prove documentary evidences regarding continuous residence of her grandfather/forefather in Agency Area since 26.01.1950 to till date as per G.O.Ms.No.3, dt.10.01.2000.

Further, even after giving sufficient opportunities to Smt.Rathod Ashwini D/o Rathod Prakash R/o Ashepally, Nandu Naik Thanda, Jainoor (M), she has failed to produce the documentary evidences in support of her claim to prove her continous residence in Agency Area since 26.01.1950.

- The DLSC has arrived at conclusion that the claim of the petitioner for issue of Local Scheduled i.e. Rathod Ashwini D/o Prakash R/o Nandu Naik Thanda H/o Ashepally village of Jainoor Mandal, is found not genuine.

- In view of the above discussion and basing on the records, it is concluded that the claim of Smt.Rathod Ashwini D/o Prakash R/o Nandu Naik Thanda H/o Ashepally village of Jainoor Mandal of Kumram Bheem Asifabad fore issue of Local Scheduled Tribe Certificate cannot be considered as genuine under the provisions of G.O. Ms.No.24, TW (LTR.1) Department dt.12.6.2018, hence her claim for issue of Local ST certificate is not considered.

vi) It is respectfully submitted that the DLSC and the District Collector, KB Asifabad has not examined her documents produced before them properly and arrived at negative conclusions only to reject her plea though she submitted all the requisite documents in support of her claim that she belongs to the category of Agency Area Local ST and that she has not been given sufficient opportunity as stated in the proceedings of the District Collector, KB Asifabad.

vii) Therefore, once again submitting the following documents before the Government for kind perusal and consideration.

- a) Family Tree duly Notarized by Ghanshyam Lal Gupta, Advocate & Notary Public, Govt. of Telangana, Utnoor – made on 26.7.2021 at Utnoor:

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- Rathod Harsingh S/o Bhasu is great grandfather of applicant. His name was enlisted in 1959 Voter list at Sl.No.144 under H.No.100/29 in Mankapur village of Narnoor Mandal in Adilabad District – migrated to Ashepally village in Jainoor of KB Asifabad in the year 1963. His name reflects in 1963 Land Record under Survey No.52, 1971 Voter list at Sl.No.472 and 1977 Voter list at Sl.No.567.
 - Rathod Koudiya S/o Harsingh is grandfather of appellant. His name was recorded in 1963 Land Record under Sy.No.31, 1959 Voter list at Sl.No.145, 1971 Voter list at Sl.No.473 and 1977 Voter list at Sl.No.568. He has five sons namely 1) Rathod Gunwanth Rao 2) Rathod Prakash (father of appellant) 3) Rathod Govind 4) Rathod Ravindar and 5) Rathod Aravind.
 - Rathod Prakash S/o Koudiya i.e. father of appellant has six children namely 1) Rathod Ashwini (daughter and appellant herein) 2) Rathod Swathi 3) Rathod Preethi 4) Rathod Jyothi 5) Rathod Gnaneshwari and 6) Rathod Karthik.
- b) Voter list 1959 – Asifabad Constituency – Adilabad District – Utnoor Taluq – Manukapuram village – Electoral Area Number 317 – under H.No.100/29 – Sl.No.144 name of Harsingh S/o Bhasu (great grandfather) and at Sl.No.145 name of Koudiya S/o Harsingh (grandfather) was enlisted. Age of Koudiya i.e. grandfather of appellant was recorded as 25 and his father Bhasu (i.e. great grandfather) was recorded as 50 – which amply speaks about their stay in the agency area from before 1950.
- c) Pahani 1963-64 – issued by Deputy Tahsildar, Jainoor Mandal – found name of Sri Koudiya S/o Harsingh was recorded.
- d) Pahani 1969-70 – issued by Deputy Tahsildar, Jainoor Mandal – found name of Sri Koulu S/o Harsingh was recorded. Koulu was erroneously written due to oversight instead of Koudiya but father's name of Koudiya was correctly recorded as Harsingh. Koulu and Koudiya are one and the same person who is my grandfather.
- e) Voter list for 1971 – 237 Boath Assembly Constituency – Utnoor Taluq – Ashepalli village – Part No.275 – Firka: Marlavai – Block No.1-2 – under H.No.2-28/B – names of Harsingh S/o Bhasu (great grandfather of appellant) and Koudu S/o Harsingh (grandfather of appellant) were enlisted at Sl.Nos.472,473 and at Sl.No.474 name of grandmother Smt.Peerbai W/o Koudu was enlisted.
- f) Voter list for 1977 – 243 Khanapur Assembly Constituency – Utnoor Taluq – Ashepalli village – Part No.120 – Firka: Marlavai – under H.No.2-28/B – names of 1) Harsingh Rathod S/o Bhasu (great grandfather), 2) Koudu Rathod S/o Harsingh (grandfather) and 3) Haribai Rathod W/o Koudu (grandmother). Age of Harsingh i.e. grandfather of appellant was recorded as 46 years and his wife namely Haribai (grandmother) was recorded as 36 and Harsingh S/o Bhasu i.e. great grandfather was 71 years.

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- g) Pahani 1981-82 – Ashepalli village – issued by Deputy Tahsildar, Jainoor – name of Koula S/o Harsingh was recorded. Koula was erroneously written due to oversight instead of Koudiya but father's name of Koudiya was correctly recorded as Harsingh. Koula and Koudiya are one and the same person who is my grandfather.
- h) Pahani 1990-91 – Ashepalli village – issued by Deputy Tahsildar, Jainoor – name of Rathod Koudu S/o Harsingh was recorded for Sy.No.91/416 for an extent of acs.3.22 gts. (Rathod Koudu is my grandfather).
- i) Voter list for the year 2000 – Ashepalli village – Polling Station No.31 & 32 – Mandal: Jainoor – name of Rathod Koudu S/o Harsingh i.e. grandfather was enlisted at Sl.No.299 and name of father at Sl.No.304, at Sl.No.305 Rathod Lathabai W/o Prakash (mother) was enlisted.
- j) Pahani 2000-01 – Ashepalli village – issued by Deputy Tahsildar, Jainoor – name of Rathod Koudu S/o Mansingh was recorded under Sy.No.91/416 for an extent of acs.3.22. Father's name of grandfather Koudu was wrongly entered as Mansingh instead of Harsingh. However, grandfather is correctly entered as Koudu.
- k) Pahani 2009-10 – Ashepalli village – issued by Deputy Tahsildar, Jainoor – name of Rathod Koudu S/o Mansingh was recorded under Sy.No.91/416 for an extent of acs.3.22. Father's name of grandfather Kodu was wrongly entered as Mansingh instead of Harsingh. However, grandfather is correctly entered as Koudu.
- l) pahani 2017 – Ashepalli village – Sy.No.91/447 was recorded in the name of Rathod Prakash i.e. father for an extent of acs.2.00.
- m) old PPB bearing No.020073 issued by Mandal Revenue Officer, Jainoor in favour of Rathod Koudu S/o Harsingh – showing an extent of acs.3.22 in Sy.No.91/416 and acs.2.34 in Sy.No.91/74 in Ashepalli village.
- n) Sworn-in Affidavit duly Notarized that – a) name of grandfather Rathod Koudiya S/o Harsingh was wrongly entered as Kolu instead of Koudiya in the pahanies 1969-70 and 1981-82 and the same to be read as Koudiya and b) father's name of grandfather Koudu/Koudiya was wrongly written as Mansingh instead of Harsingh in the pahanies of 2000-01 and 2009-2010 and the same to be read as Harsingh.
- o) Community and Date of Birth Certificate issued by Tahsildar, Jainoor – certifying that Rathod Ashwini D/o Prakash of Ashepalle village in Jainoor Mandal of Adilabad District belongs to Lambadis – 28 (ST) and that DoB is 02.11.1992.
- p) Aadhar card bearing No.7867 2086 3993 issued to Rathod Ashwini D/o Rathod Prakash showing resident at H.No. 3-89, Nandu Naik Thanda, Ashapalle, Adilabad District.

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- q) Certificate bearing No.B/539/208, dt.10.11.2018 issued by Tahsildar, Narnoor that on the strength of the certification made by the concerned Village Revenue Officer and Mandal Revenue Inspector, certified that Sri Rathod Ashwini D/o Prakash previously resided at Mankapoor village of Narnoor Mandal, and as per the statement of applicant presently they are residing at Ashepalli village of Jainoor Mandal.
- r) Community, Nativity and Date of Birth Certificate issued by Mandal Revenue Officer, Jainoor to Sri Rathod Prakash S/o Rathod Koudiya (father of appellant) – wherein it was certified that Sri Rathod Prakash belongs to Lambada ST community, native of Nandu Naik Thanda H/o Ashepally village, Jainoor Mandal – DoB is 02.0.1970.
- s) TET Eligibility Test July 2017 – Secured 62 marks out of 150.
- t) Completed two years Diploma in Education at Jawaharlal Nehru ETEI, Vemulawada vide Roll No.1322002078 issued by Board of Secondary Education, AP, Hyderabad.
- u) SSC bearing Roll No.2481417 at Govt. TW Ashram High School, Mogdad-Dhagad, Koutala Mandal - June, 2008.
- v) Intermediate in March, 2010 – Regn.No.1013213189.
- w) Resolution of Gram Panchayat, Manukapur dated 9-9-2021 – wherein it has been resolved that the forefathers of Rathod Ashwini i.e. Rathod Harsingh and Rathod Koudiya resided in Manukapur village from before 1950 till 1962.
- x) Resolution of Gram Panchayat, Ashepalli dated 4-8-2021 – wherein it has been resolved that grandfather and father of Rathod Ashwini have been continuously residing in Ashepalli village from 1962 onwards and they have agricultural lands in the village also. Further stated that before 1962 their forefathers resided in Manukapur village of Narnoor Mandal.

7. Government after careful examination of the evidences available on record and documents produced by the Appellant before the Government, it is found that grandfather and father of the Appellant have been continuously living in Ashepalli village from 1962 onwards where they have agricultural lands also and that before 1962, their forefathers resided in Manukapur village of Narnoor Mandal, which is also an agency village.

8. Therefore, the Appeal filed by Smt. Rathod Ashwini D/o Prakash R/o Ashepally village, Jainoor Mandal of KB Asifabad District, is hereby allowed, setting aside orders of the Collector & District Magistrate, Kumuram Bheem Asifabad District in Progs.File No. C2/485/2021, dated 03.09.2021.

9. The Collector and District Magistrate, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate,
Kumuram Bheem Asifabad District.

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2. Smt. Rathod Ashwini D/o Prakash
R/o Nandunaik Thanda, Ashepally Village of Jainoor Mandal,
Komuram Bheem Asifabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Project Officer, ITDA, Uttoor, Adilabad District
(for information & necessary action)
3. The District Educational Officer, Adilabad
(for information & necessary action)
4. The District Educational Officer, Kumuram Bheem Asifabad
(for information & necessary action)
5. The Deputy Director (TW), Uttoor, Adilabad District.
6. The Revenue Divisional Officer, Asifabad,
Kumuram Bheem Asifabad District
7. The Tahsildar, Jainoor Mandal, Kumuram Bheem Asifabad District
8. The PS to Hon'ble Minister for ST Welfare for information.
9. The PS to Secretary (TW)
10. The PS to Special Secretary (TW)
11. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER